



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Minutes CITY COUNCIL

*R. Steve Tumlin, Mayor*  
*Annette Paige Lewis, Ward 1*  
*Griffin "Grif" L. Chalfant, Jr., Ward 2*  
*Johnny Sinclair, Ward 3*  
*G. A. (Andy) Morris, Ward 4*  
*Rev. Anthony C. Coleman, Ward 5*  
*James W. King, Ward 6*  
*Philip M. Goldstein, Ward 7*

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Wednesday, September 11, 2013

7:00 PM

Council Chamber

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**Presiding:** R. Steve Tumlin, Mayor

**Present:** Annette Lewis, Grif Chalfant, Johnny Sinclair, G. A. (Andy) Morris, Anthony Coleman, Jim King, and Philip M. Goldstein

***Also Present:***

*William F. Bruton, Jr. City Manager*

*Douglas R. Haynie, City Attorney*

*Yvonne Williams, Deputy City Clerk*

### CALL TO ORDER:

*Mayor R. Steve Tumlin called the meeting to order at 7:02 p.m.*

### INVOCATION:

*Mayor Tumlin called upon Council member Lewis, who asked everyone to rise for the Presentation of Colors in honor of those who died on September 11, 2001.*

*Fire Marshall Scott Tucker came forward to give the invocation.*

### PLEDGE OF ALLEGIANCE:

*Council member Lewis asked everyone to remain standing for the Pledge of Allegiance.*

### PRESENTATIONS:

**20130889**

#### **MyMarietta App**

Ronnie Barrett, IT Director and Jeremy Waite, Systems Manager, will give a presentation of version 2 of the MyMarietta mobile app which will allow users to access their utility account with Marietta Power, view up-to-date map data, zoning,

parking and parks and recreation facilities information. Also, the mobile device will permit access for citizens to watch all City Council meetings, board meetings and community events on demand.

**Presented**

**PROCLAMATIONS:**

**20130892 Proclamation - Clean Water Week & Public Power Week**

Proclamation presented to Heidi Isom from the BLW Marketing Department proclaiming September 29-October 5, 2013 as Public Power and Clean Water Week in the City of Marietta.

**Read**

**20130999 Proclamation - Fire Prevention Week**

Proclaiming the week of October 6-12 as "Prevent Kitchen Fires" week to encourage people of Marietta to participate in fire prevention activities at home, work and school to ensure their safety and minimize the occurrence of fires within the City of Marietta.

**Read**

**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:**

*City Manager Bill Bruton reminded everyone about the activities that will be held during the Bleeding Gray & Blue Weekend September 20 - 23 to commemorate the 150th Anniversary of Marietta's Civil War. One of the many activities would be the fireworks display rescheduled from July 4 that will be held on Saturday, September 21, 2013 at 9 p.m.*

*Council member Goldstein mentioned that Fire Marshall Scott Tucker will retire from the City in November after 31 years of dedicated service.*

**SCHEDULED APPEARANCES:**

**20131012 Dr. Ernest Easley, Sr. Pastor Roswell Street Baptist Church**

**Present**

**UNSCHEDULED APPEARANCES:**

*Charles Levinson spoke regarding his bid for Mayor in the November 2013 election.*

## CONSENT AGENDA:

**Consent agenda items are marked by an asterisk (\*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).**

*Mayor Pro tem Andy Morris called upon Council member Johnny Sinclair to preside over this portion of the meeting. Council member Sinclair briefly explained the consent agenda process.*

*A motion was made by Council member King, seconded by Council member Sinclair, to suspend the rules of order to add an item to the consent agenda related to agenda item 20130331, Digital Billboards, approved August 14, 2013. The new agenda item would halt all advertising activities regarding proposed amendments to the Comprehensive Development Code of the City of Marietta, Division 714.04, Signs, Section 714.04(F), General Advertising and Off-Premises Signs.*

*The motion carried by the following vote:*

7-0-0  
(See Agenda item 20131071)

*~under Minutes: agenda items 20130920 and 20130921 were added to the consent agenda.*

*~under Ordinances: agenda item 20130733 was added to the consent agenda as a motion to table.*

*~under Other Business: Agenda items 20130978, 20130728, 20131031, 20131033 and 20131036 were added to the consent agenda. Regarding agenda item 20130978, the list of selected streets to reduce speed limit to 25 mph shall be included, with the exception of Manning and Chicopee Streets.*

*City Attorney Doug Haynie opened the public hearing for those items on the consent agenda requiring a public hearing. Mrs. Betty Jackson, who lives on Otis Street, spoke regarding the rezoning request for property at 70 Beavers Street, agenda item 20130681. At this time, Council member Goldstein requested to remove agenda item 20130681 from the consent agenda.*

*Seeing no one else wishing to speak, the public hearing was closed.*

**A motion was made by Council member King, seconded by Council member Chalfant, to approve the consent agenda as modified. The motion carried by the following vote:**

**Vote: 7 – 0 – 0** **Approved**

*with the following exceptions:*

*Council member King opposed to agenda item 20130972.*

*Council member Goldstein abstaining on agenda item 20130896.*

*Council member Lewis abstaining on agenda item 20130728.*

*Council member Goldstein opposed to agenda items 20130765, 20130865 and 20130728.*

**MINUTES:**

- \* 20130920 Regular Meeting - August 14, 2013**

Review and approval of the August 14, 2013 regular meeting minutes.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0** **Approved**

- \* **20130921**      **Special Meeting - August 28, 2013**

Review and approval of the August 28, 2013 special meeting minutes.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0** **Approved**

**MAYOR'S APPOINTMENTS:**

**CITY COUNCIL APPOINTMENTS:**

## ORDINANCES:

- \* 20130811 Z2013-22 Max Burmeister 1733 Canton Road**

**Ord 7680**

Z2013-22 [REZONING] MAX BURMEISTER requests rezoning for property located in Land Lot 08040, District 16, Parcel 0050, 2nd Section, Marietta, Cobb County, Georgia and being known as 1733 Canton Road from CRC (Community Retail Commercial) to LI (Light Industrial) and for a Special Land Use Permit to allow an automobile towing and storage facility. Ward 6.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0** **Approved**

- 20130681      Z2013-18 David J. Broel 70 Beavers Street**

**Ord 7682**

Z2013-18 [REZONING] DAVID J. BROEL requests rezoning for property located in Land Lot 12130, District 16, Parcel 0070, 2nd Section, Marietta, Cobb County, Georgia and being known as 70 Beavers Street from R-4 (Single Family Residential 4 units/acre) to CRC (Community Retail Commercial). Ward 5.

*City Attorney Doug Haynie opened the public hearing. Mr. Haynie then explained the rules of order and swore in those wishing to speak.*

*David Broel, owner and applicant, requested rezoning for property located at 70 Beaver Street from R 4 (Single Family Residential) to CRC (Community Retail*

*Commercial) for future growth of his business. Mr. Broel purchased 843 Washington Avenue, 861 Washington Avenue, and 70 Beavers Street in order to expand the floral business which was previously located at Commerce Park Drive.*

*Mr. Broel mentioned that he has spoken with staff regarding the Overlay District requirements. He understood that if the parcels are combined, he would have to comply with the requirements of the Overlay District along Roswell Street.*

*Mrs. Betty Jackson, who lives on Otis Street, expressed concern regarding the rezoning to Community Retail Commercial (CRC) and the impact to her property value.*

*Mr. Broel mentioned that his property was adjacent to other CRC property, with access on Washington Avenue. He also stated that once built out, his business would enhance the surrounding area.*

*The public hearing was closed.*

*A motion was made by Council member King, seconded by Council member Chalfant, to approve the ordinance rezoning the subject property from R 4 (Single Family Residential) to CRC (Community Retail Commercial) as presented.*

**The motion carried by the following vote:**

**Vote: 6 - 1 - 0**

**Approved**

Voting Against: Anthony Coleman

\* **20130733**

**Z2013-20 Keith Crystal 140 Dodd Street**

Z2013-20 [SPECIAL LAND USE PERMIT] KEITH CRISTAL requests rezoning for property located in Land Lot 12370, District 16, Parcel 0450, 2nd Section, Marietta, Cobb County, Georgia and being known as 140 Dodd Street from CRC (Community Retail Commercial) to LI (Light Industrial), with a Special Land Use Permit (SLUP) for an auto storage yard and wrecker service. Ward 7.

*Councilman Goldstein disclosed that he is the Manager of Marietta Shopping Center, LLC (and owner) which is a Landlord to Keith Crystal and is a General Partner of Herbert S. Goldstein Family Limited Partnership (and partial owner) which is a Landlord to Keith Crystal.*

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 - 0 - 0**

**Tabled**

**RESOLUTIONS:**

**CITY ATTORNEY'S REPORT:**

- |   |          |  |
|---|----------|--|
| * | 20130988 | <b>Denial of Claim</b><br><br>Denial of the claim of Jocelyn Guillaume.<br><br><b>This Matter was Approved on the Consent Agenda.</b><br><br><b>Vote: 7 – 0 – 0</b><br><br><b>Approved to Deny Claim</b> |
| * | 20130997 | <b>Denial of Claim</b><br><br>Denial of the claim of Cobb County.<br><br><b>This Matter was Approved on the Consent Agenda.</b><br><br><b>Vote: 7 – 0 – 0</b><br><br><b>Approved to Deny Claim</b>       |
| * | 20130998 | <b>Denial of Claim</b><br><br>Denial of the claim of National Net, Inc.<br><br><b>This Matter was Approved on the Consent Agenda.</b><br><br><b>Vote: 7 – 0 – 0</b><br><br><b>Approved to Deny Claim</b> |

**CITY MANAGER'S REPORT:**

## MAYOR'S REPORT:

## COMMITTEE REPORTS:

- 1. Economic/Community Development: Grif Chalfant, Chairperson**
- 2. Finance/Investment: Annette Lewis, Chairperson**

- |  |   |
|--|---|
| <p>* 20130891</p> <p><a href="#"><u>Ord 7684</u></a></p> | <p><b>Franklin Gateway TAD</b></p> <p>Ordinance approving an Amendment to the FY2014 Budget to allocate former Franklin Gateway TAD funds into a new account for redevelopment expenses.</p> <p><b>This Matter was Approved on the Consent Agenda.</b></p> <p><b>Vote: 7 – 0 – 0</b></p> <p><b>Approved</b></p> |
| <p>* 20130897</p> <p><a href="#"><u>Ord 7676</u></a></p> | <p><b>DOJ - 2013 Byrne Grant</b></p> <p>Ordinance approving amendment to the Fiscal Year 2013 General Fund Budget to receive and appropriate a grant from the Department of Justice in the amount of \$37,114 to continue funding the part-time Cyber Specialist position.</p>                                  |

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved**

\* **20130902**

**CSX railroad and Wal-Mart Donations**

**[Ord 7677](#)**

Ordinance approving the amendment to the FY2014 General Fund budget to receive and appropriate a donation of \$4,180 from CSX and \$500 from Wal-Mart to purchase a fuming chamber for the police crime lab.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved**

\* **20130972**

**National League of Cities (NLC) Annual Meeting**

Motion to approve travel and training for members of Council who wish to attend the National League of Cities (NLC) Annual Congress of Cities in Seattle, Washington, November 13, 2013 - November 16, 2013.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 - 1 - 0**

**Approved**

Voting Against: Jim King

### **3. Judicial/Legislative: Philip M. Goldstein, Chairperson**

**20130896**

**Detail Plan for Meeting Park**

Motion to approve the Detailed Plan for Meeting Park, including the land plan, landscape plan and architectural renderings, signed by the owner and dated September 11, 2013, in accordance with Section 708.20(J.4) of the Marietta City Code, with the following stipulations. These stipulations shall replace and supercede in full any and all prior stipulations which are currently in place concerning the property.

The approved Detailed Plan shall include the following variances:

1. Variance to reduce the minimum right of way width required for a local, two-lane street from 50 ft. to a minimum of 22 ft.(back of curb to back of curb); with a minimum utilities/access easement of 36 ft. measured from edge of easement to edge of easement . [730.01(L)]
  - a. The access easement will extend to the back of sidewalk and any required public ADA access locations.
  - b. The utility easement will extend 5 feet beyond the location of any utility lines.
2. Variance to reduce the minimum width of a sidewalk from 5 feet to 4 feet, but will be required to expand to 5 feet at certain locations to meet ADA requirements. [732.07(C)]

3. Variance to provide street trees only along the public streets as shown on the submitted plans. [712.08]

4. Variance to allow trees in right of way, as shown on the submitted plans. [712.08(D)]

(Minor changes to the landscape plan, including location and change of species, may be made only upon approval of the City Arborist.)

In order to ensure that homes built within the Meeting Park development are built consistent with the 4-Sided Architecture definition, the following language shall be adopted:

1. The homes in the community shall be traditional in nature, and consistent with the house elevations submitted and signed by John Wieland Homes and approved by the City of Marietta, dated September 11, 2013.
2. Design features, standards, and requirements incorporated in the homes shall be as follows:
  - a. Mixture of materials with material changes taking place on the interior corners or where roof massing accommodates the change of materials.
  - b. Window muntins appropriate to the style of the home on all four sides of the residence.
  - c. Shutters deemed appropriate by the architect on front and side elevations (and on the rear elevations where they can be seen from the public streets) of the homes.
  - d. Mixture of the materials to continue, as appropriate onto the side and rear elevations.
  - e. There shall be a maximum of 20 feet horizontally and vertically between architectural fenestration elements (windows, false shutters, change of material, etc.) per heated floor space. This will eliminate large expanses of a single material without a break and add architectural interest to the elevations.
  - f. In the event of a disagreement as to being four-sided architecture, the City

*Brian Binzer, Development Services Director, presented information regarding the detailed plan for Meeting Park, as well as the many variances requested. Mr. Binzer mentioned that the applicant has met with direct neighbors on Waterman Street and presented the proposed plan. He explained that the construction of the homes would be consistent with the house elevations submitted and signed by John Wieland Homes and approved by the City of Marietta, dated September 11, 2013.*

*Discussion was held by Council.*

*Chris Johnson, who lives on Waterman Street, spoke regarding the proposed development and presented several remaining concerns. Bryan Musolf with John Wieland Homes stated that the applicant is willing to work with Mr. Johnson to address his concerns.*

**A motion was made by Council member Coleman, seconded by Council member Lewis, that this matter be Approved. The motion carried by the following vote:**

**Vote: 6 - 0 - 1**

**Approved**

Abstaining: Philip M. Goldstein



\*      **20130912      Towing on the Square**

Motion to authorize the installation of a sign on public right-of-way on Anderson Street in front of the parking lot for 25 Atlanta Street that would let visitors to the Square know that this is not a public lot and that your vehicle may be towed. Further, the sign would be funded by the Downtown Marietta Development Authority (DMDA).

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved**

**20131035      Towing Fees**

Motion to set the maximum towing fee inside the city limits of Marietta at \$75 for vehicles (including all fees) with gross weight of 10,000 pounds or less in accordance with Marietta City Code 8-12-24-010-A and Georgia State Code Section 44-1-13-D1, no storage fees shall be charged for the first 24-hour period which begins when the vehicle is removed from the property and no such fee shall be allowed for removal and storage of vehicles removed by towing and found to be in violation of Marietta City Code. Further, this maximum towing fee shall apply to the nonconsensual removal of vehicles from private property.

*City Manager Bill Bruton presented information regarding the matter of towing fees. Mr. Bruton mentioned that the motion was consistent with state law, which allows local municipalities the ability to set a maximum fee that is less than the current state maximum fee.*

*Mr. Bruton mentioned that the last sentence of the motion should be amended to read, "Further, this maximum towing fee shall apply only to the nonconsensual removal of vehicles from private property." This is to clarify that the motion does not apply to consensual towing that occurs in the city such as a vehicle breaking down on the roadway and towing done by the police and fire departments for accident vehicles.*

*Mayor Tumlin called forward those who wish to speak regarding this matter. Those speaking included:*

*Robert Tillman, owner of property at 2527 Atlanta Street.*

*Keith Crystal, owner of a towing company in the city.*

*Councilman Goldstein disclosed that Keith Crystal is a tenant of Herbert S. Goldstein Family Limited Partnership and the Marietta Shopping Center, LLC, which he is a manager, owner and/or general partner. It is not related to towing. Further, 19-21 Atlanta Street, Marietta, is owned by PMG Whitlock Avenue, LLC, and he is the owner of and manager of said LLC.*

*Dr. Katherine Wurst, who owns a chiropractic office on the Square.  
Brent Tillman, who manages the parking lot near the corner of Anderson Street and Waddell Street.*

*A motion was made by Council member King, seconded by Council member Lewis, to set the maximum towing fee inside the city limits of Marietta at \$125.*

*A substitute motion was made by Council member Chalfant, seconded by Council member King, to set the maximum towing fee inside the city limits of Marietta at \$100.*

*Further discussion was held by Council regarding the appropriate maximum towing fee. There was general agreement to set the fee at \$125.*

*Council member Chalfant withdrew his substitute motion and Council member King withdrew is second.*

*Mayor Tumlin called for a motion on the original vote.*

*The motion was made by Council member King, seconded by Council member Lewis, to set the maximum towing fee inside the city limits of Marietta at \$125 for vehicles (including all fees) with gross weight of 10,000 pounds or less in accordance with Marietta City Code 8-12-24-010-A and Georgia State Code Section 44-1-13-D1, no storage fees shall be charged for the first 24-hour period which begins when the vehicle is removed from the property and no such fee shall be allowed for removal and storage of vehicles removed by towing and found to be in violation of Marietta City Code. Further, this maximum towing fee shall apply only to the nonconsensual removal of vehicles from private property.*

**The motion carried by the following vote:**

**Vote: 7 – 0 – 0**

**Approved as Amended**

**\* 20130900**

**Licensing of Temporary Vendors**

Approval of an Ordinance amending Chapter 8-12-26 Transient Vendors and Temporary Businesses of the Code of Ordinances of the City of Marietta, Georgia.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved for Advertisement**

**4. Parks, Recreation and Tourism: Johnny Sinclair, Chairperson**

**\* 20130894**

**Whitaker Park Funding Request**

Motion to approve funding not to exceed \$11,800 from the 2009 Park Bond Fund - specifically the line for Whitaker Park in Category B, Improvements to Existing Parks and Facilities - to make improvements to the Whitaker Park Playground.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved**

\*      **20130923      Street Trees**

Motion to move forward with the design for street tree planting on Mill Street, Whitlock Avenue, Powder Springs Street and Atlanta Street and implementation as funding is approved.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved**

**5. Personnel/Insurance: G. A. (Andy) Morris, Chairperson**

\*      **20130880      Reorganization of the IT/GIS Department**

[Ord 7681](#)

Approval of an Ordinance amending the City of Marietta and Board of Lights and Water position allocations chart and position classification and compensation plans for the 2014 fiscal year.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved**

\*      **20130899      Marietta Development Authority**

Appointment of Sterling G. Wharton to the Marietta Development Authority (Post 3) for a term of four (4) years expiring September 11, 2017.

Council member Goldstein disclosed that Sterling G. Wharton is one of his tenants.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved**

\*      **20130881      Group Health Plan Administration**

Motion to approve the renewal of the group health plan administration with Blue Cross/Blue Shield of Georgia, Inc. for calendar year 2014. Further, authority is requested to approve the administrative service agreement with Blue Cross/Blue Shield of Georgia, Inc.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved**

**6. Public Safety Committee: Anthony Coleman, Chairperson****7. Public Works Committee: Jim King, Chairperson****\* 20130885 Select Luxury Cars**

Motion to allow the installation of a wall along New Hope Road, with the execution of an Indemnification Agreement and Permanent Access Easement, subject to the approval of the City Manager and City Attorney, before the issuance of a building permit.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved**

**\* 20130886 124 Powers Ferry Road**

Motion to deny a request to install stamped concrete within right of way across property fronting 124 Powers Ferry Road.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved**

**\* 20130887 CSX Construction Agreement**

Motion to approve a Construction Agreement with CSX Transportation for construction of the South Marietta Parkway and Atlanta Street intersection improvement project.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved**

**\* 20130888 Overhead Utilities**

Motion approving variance from the underground utility ordinance, 5-4-160, for Zayo Communications to over lash existing cable on Allgood Road.

This motion does not grant a perpetual variance. Zayo Communications must relocate underground at their expense if other utilities at the location are moved underground.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved**

\*      **20130901      County Transportation Plan (CTP) Update - Stakeholder Committee Appointments**

Appointment of Johnny Sinclair to represent the city as a stakeholder committee member for the County Transportation Plan (CTP) Update Meeting.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved**

\*      **20130924      Whitlock Drive - Striping**

Motion directing Public Works not to replace the center stripe along Whitlock Drive as part of the current resurfacing project.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved**

\*      **20130765      Speed Table Ordinance**

[Ord 7683](#)

Approval of revisions to the Speed Table Ordinance.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 - 1 – 0**

**Approved**

Voting Against: Philip M. Goldstein

**APPEARANCES:**

**OTHER BUSINESS:**

**20131023      Speed Hump Policy**

Motion authorizing the Public Works Department to process any application received by the Public Works Department for speed humps on a residential street which application was officially commenced or received by the Public Works Department on or before July 10, 2013. The Public Works Department is directed to authorize and complete the application process and to restart any such application by calculating the remaining days to be applied to such application using the date of July 10, 2013. Any such application recommenced based upon this motion shall be processed and governed by the Speed Hump Policy in effect within the City of Marietta as of September 9, 2011 and subject to the final consideration of the Mayor and Council.

*Discussion was held regarding the motion that outlined the next steps for those areas that have already gone through the balloting process. There was general agreement to change the September 9 date to March 6, 2013.*

*The motion was made by Council member Chalfant, seconded by Council member Sinclair, to authorize the Public Works Department to process any application received by the Public Works Department for speed humps on a residential street which application was officially commenced or received by the Public Works Department on or before July 10, 2013. The Public Works Department is directed to authorize and complete the application process and to restart any such application by calculating the remaining days to be applied to such application using the date of July 10, 2013. Any such application recommended based upon this motion shall be processed and governed by the Speed Hump Policy in effect within the City of Marietta as of March 6, 2013 and subject to the final consideration of the Mayor and Council.*

**The motion carried by the following vote:**

**Vote: 6 - 1 - 0**

**Approved as Amended**

Voting Against: Philip M. Goldstein

\* **20130849**

**Amendment to Rules of Procedure of Council 1-4-040-D**

[Ord 7686](#)

Motion approving an amendment to the Rules of Procedure of Council 1-4-040-D to delete item 16 Appearances and renumber the other items.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved**

\* **20130865**

**Council Gatherings**

[Ord 7687](#)

Motion to amend code section 1-4-040 Rules and Procedures of Council, (W. Council Gatherings) to read as follows

w. Council Gatherings. The city manager is hereby directed to post notices in conformity with the Georgia Open Meetings law regarding informal gatherings following council events from time to time as needed. ~~following city council meetings whereby a quorum of the mayor and city council may gather for a meal.~~ Such notice shall state that the purpose of the gathering is for informal discussion and socializing. No voting may occur at any such gathering and no official action may be taken at any such gathering. The city council person designated for the invocation for the specific month shall designate a restaurant within the city limits of the City of Marietta and, in default thereof, the city manager shall designate the Marietta Diner located at 306 Cobb Parkway South, Marietta, Georgia. In addition, at the committee of the whole meeting prior to the regular monthly city council meeting, a majority of the city council shall be authorized to designate a different restaurant and in such case that will be the location posted.

**This Matter was Approved on the Consent Agenda.**

**Vote: 6 - 1 – 0**

**Approved**

Voting Against: Philip M. Goldstein

- \*      **20131009**      **Acceptance of HEAT Grant**
- [Ord 7679](#)      Approval of an Ordinance amending the Fiscal Year 2014 budget to receive and appropriate a grant from the Governor's Office of Highway Safety to maintain a HEAT (DUI) unit.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0**      **Approved**
- 
- \*      **20130981**      **Signage payment from Life University**
- [Ord 7678](#)      Approval of an ordinance amending the FY2014 General Fund budget to receive and appropriate \$35,666 for decorative signing on Barclay Circle at Life University.
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0**      **Approved**
- 
- \*      **20130978**      **Traffic Calming Requests**
- Motion authorizing selected streets in attached list to reduce speed limit to 25 mph.
- Motion authorizing selected streets in attached list to reduce speed limit to 25 mph, with the exception of Manning and Chicopee.*
- This Matter was Approved on the Consent Agenda.**
- Vote: 7 – 0 – 0**      **Approved**
- 
- \*      **20130728**      **Lee's Trace Speed Tables**
- Motion to approve installation of three speed tables along Lee's Trace near A.L. Burruss Elementary conforming to the heights specified in Legistar ID 20130765. Further, authorizing one radar speed sign on Lee's Trace at each of the two locations nearest to Trailwood Drive used during the recent speed table balloting
- This Matter was Approved on the Consent Agenda.**
- Vote: 5 – 1 – 1**      **Approved**  
                 Voting Against: Philip M. Goldstein  
                 Abstaining: Annette Lewis
- 
- \*      **20131031**      **Maple Avenue Speed Signs**
- Motion to install two radar speed signs on Maple Avenue in the vicinity of West Side Elementary School.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved**

\* 20131033

**Amendment to Ordinance #6808 (20050485) Meeting Park Development**

**[Ord 7685](#)**

Ordinance to amend prior ordinance #6808 (20050485) that rezoned property on Roswell Street, Waterman Street, Waddell Street, Wayland Street and Green Street. The description of the property, originally incorrect due to a scrivener's error, is being corrected with this ordinance.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved**

\* 20131030

**24 Alexander Street, 25 Alexander Street and 274 Washington Avenue**

Motion approving the modification of Motion 20130877 dated August 14, 2013 to add the following stipulation:

The duration of the easement will be good for 24 months from closing or completion of the project, whichever occurs first.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved**

20130974

**Final Plat Montgomery Park**

Motion to approve the Final Plat for Montgomery Park located in Land Lots 1144 and 1145, District 16, 2nd Section, Marietta, Cobb County, Georgia. Included with the approval of this plat are the following conditions:

1. Reduction of the required travelway for Lyman Drive from 20 ft. to 19 ft.
2. Reduction of the required roadway width for Lyman Drive from back of curb to back of curb from 24 ft. to 23 ft.
3. Handicapped ramps must be completed prior to the issuance of a Certificate of Occupancy.
4. Before any lot accessed by an alley can obtain a Certificate of Occupancy, the entire alley must be completed from road to road.
5. Once the handicapped ramps and alleys are completed, a revised final plat must be recorded.

*Mayor Tumlin called forward those wishing to speak regarding the Final Plat for Montgomery Park.*

*Development Services Director Brian Binzer presented information regarding the motion statement presented for consideration.*



*Discussion was held regarding the request to reduce the width of the roadway for Lyman Drive. There was general agreement that items 1 and 2 of the motion statement be tied to specifically identified locations marked on the plat.*

*The motion was made by Council member Morris, seconded by Council member Goldstein, to approve the Final Plat for Montgomery Park located in Land Lots 1144 and 1145, District 16, 2nd Section, Marietta, Cobb County, Georgia. Included with the approval of this plat are the following conditions:*

- 1. Reduction of the required travelway for Lyman Drive from 20 ft. to 19 ft. but only at specifically identified locations marked on the plat.*
- 2. Reduction of the required roadway width for Lyman Drive from back of curb to back of curb from 24 ft. to 23 ft. but only at specifically identified locations marked on the plat.*
- 3. Handicapped ramps must be completed prior to the issuance of a Certificate of Occupancy.*
- 4. Before any lot accessed by an alley can obtain a Certificate of Occupancy, the entire alley must be completed from road to road.*
- 5. Once the handicapped ramps and alleys are completed, a revised final plat must be recorded.*

**The motion carried by the following vote:**

**Vote: 7 - 0 - 0**

**Approved**

**20131036**

**357 Allgood Road**

Motion to approve property purchase of 357 Allgood Road per the executed contract.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved**

**\* 20131071**

**Digital Billboards**

Motion to halt all advertising activities regarding proposed amendments to the Comprehensive Development Code of the City of Marietta, Division 714.04, Signs, Section 714.04(F), General Advertising and Off-Premises Signs.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved**

**\* 20130922**

**BLW Actions of the September 9, 2013**

Review and approval of the September 9, 2013 actions and minutes of the Marietta Board of Lights and Water.

**This Matter was Approved on the Consent Agenda.**

**Vote: 7 – 0 – 0**

**Approved**

**A motion was made in open session by Council member Sinclair, seconded by Council member Morris, to enter an Executive Session to discuss legal and real estate matters. The motion carried by the following vote:**

**Vote: 7 0 0**

**Approved**

For: Annette Lewis, Grif Chalfant, Johnny Sinclair, G. A. (Andy) Morris, Anthony Coleman, Jim King and Philip M. Goldstein

*The Executive Session was held.*

**A motion was made in open session by Council member King, seconded by Council member Goldstein, to exit the Executive Session. The motion carried by the following vote:**

**Vote: 7 0 0**

**Approved**

For: Annette Lewis, Grif Chalfant, Johnny Sinclair, G. A. (Andy) Morris, Anthony Coleman, Jim King and Philip M. Goldstein

**UNSCHEDULED APPEARANCES:**

**ADJOURNMENT:**

*The meeting was adjourned at 10:01 p.m.*

**Date Approved: October 9, 2013**

\_\_\_\_\_  
**R. Steve Tumlin, Mayor Tumlin**

**Attest:** \_\_\_\_\_  
**Stephanie Guy, City Clerk**